

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Dan Wicker,

Plaintiff,

v.

Case No. 12-12471

Honorable Sean F. Cox

Early Warning Services, LLC,

Defendant.

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**ORDER OF DISMISSAL**

Acting *pro se*, Plaintiff filed suit against Defendant in the Small Claims Division of the State of Michigan's 46<sup>th</sup> Judicial District. Plaintiff initiated that action by filing a Affidavit and Claim that asserts that Defendant "placed item on my credit report violating FCRA." (Docket Entry No. 1, Pg ID 4). Thereafter, Defendant removed the action to this Court based on federal question jurisdiction.

Defendant then filed a Motion to Dismiss (Docket Entry No. 2), asserting that Plaintiff's complaint fails to state a claim under Federal Rule of Civil Procedure 12(b)(6) because Plaintiff fails to adequately allege any factual or legal basis for his claim under the Fair Credit Reporting Act. Defendant's Motion stated that "[p]ursuant to Local Rule 7.1, a telephone conference between the undersigned counsel and Plaintiff was held in which the under signed counsel explained the nature of this Motion and its legal basis. Plaintiff concurs with the relief sought herein and requests that the Court grant leave for Plaintiff to file an amended complaint within twenty-one (21) days." (Docket Entry No. 2 at 3).

On June 15, 2012, this Court issued an order granting Plaintiff's request to file an amended complaint and ORDERED "that Plaintiff shall file an amended complaint within

twenty-one (21) days of the date of this Order.” (Docket Entry No. 3).

After more than twenty-one days had passed without Plaintiff filing an amended complaint, this Court ordered Plaintiff to show cause, in writing, no later than August 13, 2012, why this Court should not dismiss this action for failure to state a claim and/or failure to prosecute. (Docket Entry No. 4). Plaintiff, however, has not filed any response to this Court’s Show Cause Order.

Accordingly, IT IS ORDERED that Plaintiff’s complaint is DISMISSED WITHOUT PREJUDICE for failure to prosecute.

IT IS SO ORDERED.

Dated: August 14, 2012

S/ Sean F. Cox  
Sean F. Cox  
U. S. District Court Judge

I hereby certify that on August 14, 2012, the foregoing document was served upon counsel of record by electronic means and upon Dan Wicker by First Class Mail at the address below:

Dan Wicker  
1521 Charraington  
Bloomfield, MI 48301

Dated: August 14, 2012

S/ Jennifer Hernandez  
Case Manager